

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

LEO WAGNER,

Plaintiff,

-v-

UPS GROUND FREIGHT, INC., D/B/A,  
UPS FREIGHT

Defendants.

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Case No. 6:18-cv-034-RP-JCM

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**PLAINTIFF LEO WAGNER'S  
MOTION TO COMPEL MEDIATION**

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TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

Plaintiff Leo Wagner asks the Court to order Plaintiff and Defendant to mediate this matter on or before December 1, 2018.

Both sides have already responded to initial written discovery and Plaintiff's deposition is scheduled for November 12, 2018. After Defendant has taken Plaintiff's deposition, it will no doubt have the information it needs to engage productively in mediation. Any delay will only cost Plaintiff and Defendant the accrual of unnecessary costs and attorneys' fees.

Additionally, although Defendant has stated it is willing to engage in settlement negotiations, it has failed to provide Plaintiff with a counter offer to his reasonable settlement demand. Mediation will provide the forum necessary for Plaintiff and Defendant to resolve this matter efficiently.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that this Court order the parties to mediate this case no later than December 1, 2018.

Respectfully submitted,  
ROB WILEY, P.C.

/s/ Julie L. St. John

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

On the 15th day of October, 2018, I conferred with Amber Rogers, attorney for Defendant, and she is opposed to Plaintiff Leo Wagner's Motion to Compel Mediation.

/s/ Julie L. St. John  
Julie L. St. John

CERTIFICATE OF SERVICE

I hereby certify that on 16th day of October, 2018, I served a copy of this Motion to Compel Mediation on counsel for Defendant via the Court's CM/ECF system.

/s/ Julie L. St. John  
Julie L. St. John